

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Investigation of Special Access) CC Docket No.85-166
Tariffs of Local Exchange Carriers) Phase I
)

JOINT MOTION TO DISMISS

Pursuant to Section 1.717 of the Commission's Rules, New Valley Corporation (f/k/a Western Union Corporation) (hereinafter "Western Union") and SBC Communications, Inc., on behalf of Southwestern Bell Telephone Company, Nevada Bell and Pacific Bell (hereinafter "SBC"), jointly move for dismissal with prejudice of SBC from the above-captioned matter to the extent described below. In support the parties show as follows:

1. The Federal Communications Commission issued its order in CC Docket No. 85-166, Phase I, on September 5, 1997 ("Western Union Remand Order"), addressing issues remanded by the U.S. Court of Appeals for the District of Columbia in the Investigation of Special Access Tariffs of Local Exchange Carriers, CC Docket No.85-166, Phase I, FCC No. 86-52 (released Jan.24, 1986) reconsideration denied, 1 FCC Rcd 427, remand sub nom. Western Union Corp. v. FCC, 856 F.2d 315 (D.C. Cir. 1988) ("Western Union v. FCC");

2. Representatives of Western Union and SBC have met in order to resolve the matters set forth in the Western Union Remand Order and Western Union v. FCC (collectively "the actions") as they relate to services provided by SBC to Western Union. As a result of these meetings and negotiations, the parties have agreed to a settlement that disposes of all issues and

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controversies in the actions with respect to services provided by SBC to Western Union. As part of the settlement, Western Union hereby waives any right to a refund that may otherwise be due from Southwestern Bell Telephone Company, Nevada Bell and Pacific Bell pursuant to this docket.

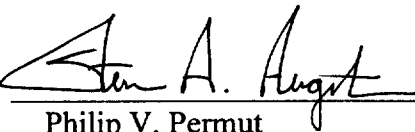
Accordingly, the parties seek dismissal, with prejudice, of SBC with respect to further proceedings concerning the Western Union Remand Order or Western Union v. FCC, including any pending requests for correction or reconsideration by Western Union or any other party. Dismissal of SBC will affect no other party and will serve the public interest as no purpose would be served by the continued participation of SBC in these proceedings.

WHEREFORE, for the reasons stated above, Western Union and SBC request that SBC be dismissed with prejudice from further proceedings in the Western Union Remand Order and Western Union v. FCC. A proposed order is submitted herewith in accordance with Section 1.727(c) of the Commission's Rules 47 C.F.R. §1.727(c).

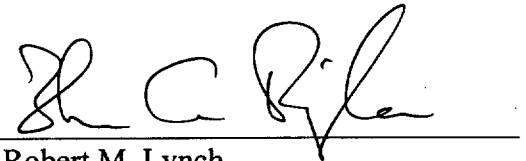
Respectfully submitted,

WESTERN UNION

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of)	
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Tariffs of Local Exchange Carriers)	Phase I
)	
)	

ORDER

Adopted:

Released:

By the Chief, Competitive Pricing Division:

1. The Federal Communications Commission issued its order in CC Docket No. 85-166, Phase I, on September 5, 1997, ("Western Union Remand Order") addressing issues remanded by the U.S. Court of Appeals for the District of Columbia in the Investigation of Special Access Tariffs of Local Exchange Carriers, CC Docket No.85-166, Phase I, FCC No. 86-52 (Released Jan.24, 1986) reconsideration denied, 1 FCC Rcd 427, Remand sub nom. Western Union Corp. v. FCC, 856 F.2d 315 (D.C. Cir. 1988) ("Western Union v. FCC").

2. On January __, 1999, SBC Communications, Inc., on behalf of Southwestern Bell Telephone Company, Nevada Bell, and Pacific Bell (hereinafter referred to as "SBC"), and New Valley Corporation (f/k/a Western Union Corporation and hereinafter referred to as "Western Union") filed a Joint Motion requesting the Commission issue an order dismissing SBC from further proceedings in the Western Union Remand Order and Western Union v. FCC, including any pending requests for correction or reconsideration by Western Union or any other party ("the

Actions"). In support of their motion, the parties state that all claims in the actions against SBC have been settled with SBC admitting no liability. The parties also state that no purpose would be served by the continuing pendency of this proceeding against SBC.

3. Therefore, IT IS ORDERED, that the motion is GRANTED and SBC is hereby DISMISSED WITH PREJUDICE from further proceedings arising out of the Western Union Remand Order or Western Union v. FCC.

FEDERAL COMMUNICATIONS COMMISSION

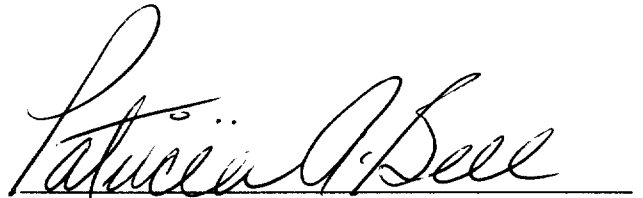
Chief, Competitive Pricing Division
Common Carrier Bureau

CERTIFICATE OF SERVICE

I, Patricia A. Bell, hereby certify that I have caused true and correct copies of the foregoing **Joint Motion to Dismiss** to be hand delivered to each of the individuals listed below:

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